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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,108	07/02/2003	Eleftherios Rodousakis	5015.1004	3372

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EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,108

Applicant(s)

RODOUSAKIS ET AL.

Examiner

James M. Hewitt

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/9/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

Claim Objections

Claims 1-13 are objected to because of the following informalities:

In claim 1 line 6, it is unclear as to how one of the connecting elements can be said to be *telescopically inserted* into the other of the connecting elements.

Telescopically arranged?

In claim 11 line 2, shouldn't "first" be "second"?

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Neuschotz (US 3,035,797).

With respect to claim 1, Neuschotz discloses a connection arrangement for detachably connecting a first flexible tank (11) and a second flexible tank (11) of an aircraft, comprising: a latching device (22); a first tubular connecting element (21) attached to the first tank; and a second tubular connecting element (14 and 21 associated with the second tank) attached to the second tank, the second connecting element being telescopically and slidably inserted into the first connecting element and being detachably connected to the first connecting element using the latching device, wherein, in a connected state of the connecting elements, the first and the second tanks are in fluid communication with each other via the first and the second connecting elements and the latching device is disposed inside one of the first and second flexible tanks so as to be actuatable from outside the respective flexible tank through the respective flexible tank (see col. 2 line 69 – col. 3 line 3).

With respect to claim 2, wherein in the connected state, the first tubular connecting element projects into an inside of the second flexible tank.

With respect to claim 3, wherein the latching device includes a first spring element (40).

With respect to claim 5, wherein the first flexible tank includes a rubber fitting (34) and the first tubular connecting element includes an attachment flange (33) for attaching to the rubber fitting.

With respect to claim 6, the first flexible tank is directly attached to the first tubular connecting element.

With respect to claim 7, further comprising a rib element (15) separating the first flexible tank and the second flexible tank.

With respect to claim 8, the second flexible tank is directly attached to the second tubular connecting element.

With respect to claim 9, wherein the second tubular connecting element projects into an inside of the second tank. The second tubular connecting element would be member (21), the first would be member (14 and the other member 21).

With respect to claim 10, further comprising a sealing element (31) disposed between the first and the second tubular connecting elements.

With respect to claim 11, wherein the latching device is arranged at the first tubular connecting element.

With respect to claim 12, wherein the sealing element is an o-ring.

With respect to claim 13, wherein each of the first and second connecting elements is integrally formed as a single component. The first element would be member (21) and the second element would be member (14).

Claims 1-2, 6-11 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Shakesby (GB 552,722).

With respect to claim 1, Shakesby discloses a connection arrangement for detachably connecting a first flexible tank (1) and a second flexible tank (2) of an aircraft, comprising: a latching device (13/14); a first tubular connecting element (7) attached to the first tank; and a second tubular connecting element (4 and 7 associated with the second tank) attached to the second tank, the second connecting element being telescopically and slidably inserted into the first connecting element and being detachably connected to the first connecting element using the latching device, wherein, in a connected state of the connecting elements, the first and the second tanks are in fluid communication with each other via the first and the second connecting elements and the latching device is disposed inside one of the first and second flexible tanks so as to be actuatable from outside the respective flexible tank through the respective flexible tank.

With respect to claim 2, wherein in the connected state, the first tubular connecting element projects into an inside of the second flexible tank.

With respect to claim 6, the first flexible tank is directly attached to the first tubular connecting element.

With respect to claim 7, further comprising a rib element (11) separating the first flexible tank and the second flexible tank.

With respect to claim 8, the second flexible tank is directly attached to the second tubular connecting element.

With respect to claim 9, wherein the second tubular connecting element projects into an inside of the second tank. The second tubular connecting element would be member (7), the first would be member (4 and the other member 7).

With respect to claim 10, further comprising a sealing element (6) disposed between the first and the second tubular connecting elements.

With respect to claim 11, wherein the latching device is arranged at the first tubular connecting element.

With respect to claim 13, wherein each of the first and second connecting elements is integrally formed as a single component. The first element would be member (4) and the second element would be member (7).

With respect to claim 14, refer to the rejection of claim 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neuschotz (US 3,035,797).

Neuschotz teaches all the limitations of claim 4 except that the first and second spring elements are positioned across from each other at an angle of 180 degrees. From Neuschotz statement at lines 30-2 of column 3, "There may typically be three of the latch or dog elements **22**, mounted to ring 21 at three evenly circularly spaced locations." and at lines 52-54 of column 3, "Where three of the latch or dog elements **22** are employed", it should be understood that at least two or four, and conceivably other given pluralities of latches may be employed, so long as they are evenly circularly spaced. In the instance that there are two or four latch elements, there would be two or four spring elements, two of which would be positioned across from each other at an angle of 180 degrees. Given Neushotz's statements that imply that only three latch elements are suitable, it would have been an obvious matter of design choice to at least employ two or four latch elements and thus spring elements.

Response to Arguments

Applicant's arguments filed 9/9/05 have been fully considered but they are not persuasive.

Applicant asserts Neuschotz's ring (21) is not tubular. The Examiner disagrees. The ring (21), in the broadest reasonable sense, is considered to meet the definition of "tubular", a hollow elongated cylinder, especially one that conveys fluids. The ring has depth and therefore is elongated.

Applicant also asserts that one of Neuschotz connecting elements is not telescopically and slidably inserted into the other. The Examiner disagrees. One

element is slid into the other, and thus is telescopically inserted or arranged within the other. The fact that the two elements are conical does not preclude their relationship to be telescopic.

Conclusion

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 9/9/05 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAMES M. HEWITT
PRIMARY EXAMINER